

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

KAVIN LEE PEEPLES,

Plaintiff,

v.

DAVID C. CONLEY,

Defendant.

Case No. 1:22-cv-622

Barrett, J.
Bowman, M.J.

ORDER

Plaintiff Kevin Lee Peeples, an experienced prisoner litigant subject to the “three strike” rule based on prior frivolous filings, filed a new prisoner civil rights case alleging inadequate medical care. Unaware of Plaintiff’s full litigation history, the undersigned initially granted Plaintiff leave to proceed *in forma pauperis* and ordered the U.S. Marshal to serve Defendant David C. Conley as directed by the Plaintiff. (Doc. 11, Order of 11/30/2022). On December 12, 2022, the custodian of Plaintiff’s account remitted to the Clerk of Court the sum of \$25.77 as an initial partial filing fee in compliance with the Court’s Order. (Doc. 17). However, upon discovery of Plaintiff’s litigation history including the prior order deeming him subject to 28 U.S.C. § 1915(g), the undersigned rescreened Plaintiff’s complaint under the requisite standard. Pursuant to the Report and Recommendation filed herewith, the undersigned concludes that the November 30, 2022 Order granting Plaintiff leave to proceed *in forma pauperis* must be vacated, because Plaintiff is not entitled to file his complaint prior to **full payment** of the filing fee.

Consistent with that Report and Recommendation, **IT IS ORDERED:**

1. The Order Granting Plaintiff *In Forma Pauperis* Status and Ordering the Collection of the Full Filing Fee in partial payments (Doc. 11) is **VACATED** based upon the grounds set forth in the accompanying R&R;
2. This case is **STAYED** until the earliest date on which the following occurs:
 - a. The presiding district judge rules upon the Report and Recommendation filed herewith; or
 - b. Plaintiff pre-pays the full filing fee required to commence this case.¹

s/Stephanie K. Bowman
Stephanie K. Bowman
United States Magistrate Judge

¹That previously paid sum of \$25.77 may be applied as a credit against payment of the full fee owed (\$402.00). Therefore, Plaintiff must remit a total of \$376.23 in order to proceed.